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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

21ST CENTURY COMMUNITIES, INC., a
Nevada Corporation,

Plaintiff,

v.

MUZLINK, LLC, a California Limited Liability
Company, DOES I through X, inclusive, and
ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:09-cv-2458

**REPLY IN SUPPORT OF PLAINTIFF'S
RENEWED MOTION FOR LEAVE TO
AMEND**

Plaintiff, 21ST CENTURY COMMUNITIES, INC., by and through its counsel, Greenberg Traurig, LLP, hereby files this Reply ("Reply") in Support of its Renewed Motion ("Motion") for Leave to Amend. This Reply is made pursuant to FRCP 15 and is based on the following Memorandum of Points and Authorities, the pleadings and papers on file herein, and any oral argument the Court may entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

21st Century has viable claims against Bradley Parker and Wayne Williams and sought leave to amend under the scheduling order previously approved by the Court prior to Muzlink LLC

1 (“Muzlink”) filing for bankruptcy protection. Although this case has a tortured procedural past,
 2 the Opposition filed by Parker and Williams does not provide a basis for denial of the Motion.¹

3 As a preliminary matter, Plaintiff disputes Parker’s and Williams’ characterization of the
 4 facts of the case and Plaintiff’s motivation in pursuing this action against them as individuals.
 5 Additionally, Plaintiff disputes Parker’s and Williams’ interpretation of the Bankruptcy Court’s
 6 ruling as it relates to the purchase of Muzlink’s assets and the ability of 21st Century to proceed
 7 with claims against Williams and Parker individually. Nevertheless, none of these issues raised in
 8 the Opposition would amount to a basis for denying leave to amend. To wit, Parker and Williams
 9 fail to cite a single case that warrants denial of a motion for leave to amend under these
 10 circumstances.

11 On the contrary, the very fact that Parker and Williams filed an Opposition in their
 12 individual capacity demonstrates that the relevant factors for this Court to consider all support
 13 granting Plaintiff’s Motion. Lockheed Martin Corp. v. Network Solutions, Inc., 194 F.3d 980, 986
 14 (9th Cir. 1999). First, the decision of Parker and Williams to file an Opposition to the Motion
 15 demonstrates that they are willing and able to defend this action in Nevada. Further, their
 16 substantial familiarity with the procedural and factual history of this case validates Plaintiff’s
 17 position that Parker and Williams were heavily involved in the underlying litigation from the
 18 beginning and would suffer no prejudice by continuing the action in this jurisdiction.
 19 Interestingly, the address Parker and Williams provided the court as their address when they
 20 submitted the Opposition is the same address that former counsel for Muzlink provided as
 21 Muzlink’s “last known address.”² This is the same address to which mailings were sent providing
 22 notification of the instant proceedings and returned presumably at the request of the address
 23 occupant. It is clear from the Opposition that Parker and Williams are familiar with the dealings of
 24 the parties as well as the circumstances that gave rise to the initial case.

25 ///

27 ¹ Muzlink, LLC has not filed a response to the motion to amend and efforts to serve a copy of the motion upon Muzlink,
 28 LLC to its last know address were returned to sender.

² See Motion to Withdraw As Attorneys of Record for Defendant Muzlink, LLC (Doc. # 53).

1 The balance of prejudices weighs heavily in favor of granting Plaintiff's motion to amend.
 2 Notably, Parker and Williams have participated in the substantial discovery that has taken place in
 3 this case and would not be unduly prejudiced by the amendment. Plaintiff however, who would
 4 suffer the prejudice of substantial delay in pursuing its claims as well as the additional cost of
 5 beginning the case from scratch. Moreover, the delay caused by the intervening Bankruptcy has
 6 led to a situation where an inability to amend may create an issue as to the statute of limitations for
 7 some of Plaintiff's claims should this Court deny the instant Motion.

8 Finally, the filing of the Opposition and the decision of Parker and Williams to personally
 9 appear in this matter demonstrates that Parker and Williams are willing and able to submit to the
 10 jurisdiction of this Court. This submission to the Court's jurisdiction provides an independent
 11 basis for granting leave to amend. Given that there is no real prejudice to Parker and Williams in
 12 continuing the action in this Court, that Plaintiff possesses valid claims against Parker and
 13 Williams, and that Parker and Williams have voluntarily submitted to the jurisdiction of this Court,
 14 Plaintiff respectfully grant Plaintiff's Motion under FRCP 15 to allow leave to amend.

15 DATED this 2nd day of July, 2013.

16 Respectfully submitted,

17 GREENBERG TRAUIG, LLP

18 By: /s/ Kara B. Hendricks

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28 *Counsel for Plaintiffs 21st Century
 Communities, Inc.*

CERTIFICATE OF SERVICE

I do hereby certify that on the 2nd day of July, 2013, I served a copy of the foregoing
REPLY IN SUPPORT OF PLAINTIFF'S RENEWED MOTION FOR LEAVE TO AMEND
on:

MUZLINK, LLC
15423 Sutton Street
Sherman Oaks, CA 91403

Brad Parker
15423 Sutton Street
Sherman Oaks, CA 91403

Wayne Williams
15423 Sutton Street
Sherman Oaks, CA 91403

by causing a full, true and correct copy thereof to be sent by the following indicated method or
methods, on the date set forth above

- ☒ By mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas Nevada;
- ☐ By hand delivery;
- ☐ By sending via overnight courier in a sealed envelope;
- ☐ By faxing to the attorney at the last-known fax number;
- ☐ By electronic mail via the Court's electronic notification system or directly to the last e-mail address of the attorney.

/s/ Joyce Heilich
An Employee of Greenberg Traurig, LLP